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Date: September 23, 2005

Client Code: 3558

Facsimile No.: 571-273-8300

From: Mark B. Solomon

Subject: Paper: Terminal Disclaimer

Docket No.: 3558.1005-008

Applicants: Dino J. Farina, et al.

Serial No.: 10/826,609

Filing Date: April 16, 2004

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Number of pages including this cover sheet: 3

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September 23, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Applicant: Dino J. Farina, et al.
Application No.: 10/826,609
Filed: April 16, 2004
Confirmation No.: 1189
Title: Precise Position Controlled Actuating Method and System
Docket No.: 3558.1005-008

Sir:

Please find enclosed a Terminal Disclaimer, for filing in the above-referenced application.

Please charge the statutory fee in the amount of \$130 for filing the disclaimer to Deposit Account No. 08-0380. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mark B. Solomon
Mark B. Solomon
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DOCKET NO. 3558.1005-008

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

In re Application of: Dino J. Farina, Timothy M. Fallon, Socratis Kalogrianitis and Peter Taylor

Application No.: 10/826,609

Filed: April 16, 2004

Confirmation No.: 1189

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For: PRECISE POSITION CONTROLLED ACTUATING METHOD AND SYSTEM

The owner, Image Therm Engineering, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,799,090. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is an attorney or agent of record.

9/23/05

Date

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